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OFFICE OF PETITIONS

In re Application of	:
Martin P. Petkovich et al	:
Application No. 09/668,482	:
Filed: September 25, 2000	:
Attorney Docket No. 57600/00035	:

ON PETITION

This is a decision on the petition under 37 CFR 1.313, filed October 1, 2004 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

Petitioner requests that the application be withdrawn from issue "so that the accompanying Petition under 37 C.F.R. § 1.84(b)(2) may be considered." The issue fee was paid in this application on August 16, 2004.

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

- (1) Unpatentability of one or more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
- (2) Consideration of a submission pursuant to 37 CFR 1.114; or
- (3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865, 14873 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47, 54 (Apr. 11, 2000).

37 CFR 1.313(c) clearly states that an application will not be withdrawn from issue on petition except for the reasons enumerated. The circumstances of the above-identified application do not fall within any of the exceptions.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3210.

The matter is being referred to the Office of Patent Publication.



Irvin Dingle
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Office of the Deputy Commissioner
for Patent Examination Policy